

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
LORI ANN DEGOEY,) CASE NO. 06-60925 JPK
) Chapter 7
Debtor.)

ORDER REGARDING COMPLETION OF INSTRUCTIONAL
COURSE PURSUANT TO 11 U.S.C. § 727(a)(11)

11 U.S.C. § 727(a)(11) requires that the debtor have completed "an instructional course concerning personal financial management described in section 111" in order to receive a discharge in a Chapter 7 case. This course is different from the "briefing" required by 11 U.S.C. § 109(h)(1). The "Order Amending Interim Bankruptcy Rule 1007(c)" entered by the United States Bankruptcy Court for the Northern District of Indiana on April 17, 2006, requires the filing of a statement regarding the completion of a course in personal financial management within 60 days after the first date set for the meeting of creditors under § 341 of the Bankruptcy Code in a Chapter 7 case.

In the instant case, the debtor filed the certificate evidencing compliance with 11 U.S.C. § 109(h)(1) on May 19, 2006. Also on May 19, 2006, the debtor filed a "Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management", and attached to that document the identical certificate filed in order to evidence compliance with 11 U.S.C. § 109(h)(1). The course to which this certificate refers is not the course required by 11 U.S.C. § 727(a)(11), and under its customary procedures, the Court would close this Chapter 7 case without the entry of a discharge, which would necessitate the debtor's filing a motion to reopen the case (including payment of a fee for doing so) and then filing of the certification regarding the proper course in order to obtain a discharge. The Court recognizes that this may impose a hardship upon the debtor, and that there is a great deal of confusion in the local bar – especially those who do not regularly practice under BAPCPA – as to new procedures to be

employed under that law.

IT IS ORDERED that the debtor shall complete an instructional course concerning personal financial management described in 11 U.S.C. § 111, and file the statement required by the Court's adoption of Interim Rule 1007(c), by **September 29, 2006**. In the event that the debtor fails to timely comply with this order, her case will be closed without the entry of discharge.

Dated at Hammond, Indiana on September 14, 2006.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee